

REMARKS

Claims 1-10 and 13-20 have been examined. Claims 1 and 13 have been amended. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1-7, 10, 13-18 and 20 have been rejected under 35 U.S.C. §103 as being obvious in view of Duncan and Walker. This rejection is respectfully traversed in part and overcome in part.

As now amended, both independent claims 1 and 13 include the limitations that the femoral component has a back surface that interfaces with the femur, is generally smooth and does not include protrusions. As described in Applicant's previous response, construction of the femoral component in this manner allows it to be easily removed when it is time to replace the femoral component with a permeant prosthesis. In other words, after the infection site has been treated, the femoral component may easily be pulled from the femur and replaced with a more permanent structure.

In contrast, neither Duncan or Walker teach such a limitation. As previously described, the Duncan patent in no way describes a femoral component having any of the limitations set forth in independent claims 1 and 13. More specifically, the femoral component of Duncan has two rails that are spaced apart from each other, not an integral piece. These two rails are produced with the mold illustrated in Figs. 3 and 4. Hence, the Duncan femoral component is not formed of an antibiotic impregnated material that is constructed of a single piece having two outer surfaces that are spaced apart from each other by a center section having a recess.

The Walker prosthesis also differs from claims 1 and 13 in that the Walker prosthesis is intended to be permanently hammered into the femur. Hence, as illustrated in Figs. 1 and 2, it includes various protrusions and surfaces that are hammered into the femur as illustrated in Fig. 9. As such, the Walker patent directly teaches away from a removable

prosthesis having a generally smooth back surface as is now claimed in claims 1 and 13. Because neither Walker nor Duncan teaches the limitations of such claims, it is respectfully requested that all claims rejected in view Duncan and Walker be withdrawn.

Claims 8, 9 and 19 have been rejected under 35 U.S.C. §103 as being unpatentable over Duncan, Walker and Shaffer. As previously described, Duncan and Walker fail to teach the limitations set forth in independent claims 1 and 13. Since the Shaffer patent also fails to teach such a limitation, claims 8, 9 and 19 are distinguishable and in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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